

IN SENATE OF THE UNITED STATES.

FEBRUARY 18, 1848.

Submitted, and ordered to be printed.

Mr. ASHLEY made the following

REPORT:

The Committee on the Judiciary, to whom were referred, on the 5th of January, the memorials of Susan Randall, and of C. Chauncey, and other citizens of Pennsylvania, report:

That they have bestowed upon this case that deliberation and attention which its nature peculiarly demands, and find that any pecuniary allowance to the memorialist, Mrs. Randall, would reverse a principle which has prevailed in the judicial system of the United States since its first establishment, in 1789, until the present time, without, (so far as the committee have been able to discover, a single exception.

By the act of the 24th September, 1789, the entire State of Pennsylvania was constituted one district, to which one district judge was assigned, who was required to hold, annually, four sessions.

By the same act, the United States was divided in three circuits, being the eastern, middle, and southern; the middle circuit consisting of the Districts of New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, in each of which districts two circuit courts were directed to be held, annually, by two justices of the supreme court and the district judge of such district, any two of whom to constitute a quorum.

By the act of the 20th April, 1818, the State of Pennsylvania was divided into two judicial districts, for each of which a district judge was provided, there being no alteration in the number of sessions of the district or circuit courts for each of said districts.

By the act of 3d March, 1837, the number of judicial circuits having been increased, their limits were, consequently, circumscribed; the third circuit being confined to the District of New Jersey, and the eastern and western Districts of Pennsylvania.

By the act of 17th June, 1844, the justices of the supreme court are empowered to hold but one session of the circuit court in each district in their several circuits; the judges of the district courts being required to hold the other sessions of the circuit courts in their several districts.

From the preceding facts, it will be seen that, in 1789, the entire State of Pennsylvania formed but one judicial district, to which there was assigned but one district judge, whose salary was fixed, by the act of 23d September, 1789, at sixteen hundred dollars; it will also appear that, in 1818, that State was divided into two judicial districts, for each of which a district judge was provided, whereby the labors, duties and responsibilities appertaining to one judge were divided between two; each of whom was allowed the same amount of salary as had been allowed to the single judge for the extended district of Pennsylvania. The same amount of compensation was continued until changed by the act of Congress of the 29th May, 1830, when the compensation of the judge for the eastern district of Pennsylvania, (the office held by Judge Randall at the time of his decease,) was increased to two thousand five hundred dollars, and has continued at that amount since that time, so that it was enjoyed by Judge Randall during his term of service, and is, with but two exceptions, the highest rate of compensation allowed to any district judge in the United States.

It cannot be alleged that the duties performed by Judge Randall were either extra judicial or extra official, it having been contemplated in every law regulating the judicial system to provide for the execution of the duties of the district courts, and, more recently, by the acts regulating the circuit courts, that the district judges of the United States, under circumstances similar to those existing in the case of Judge Randall, should perform similar duties, exercise the same jurisdiction, and bear the same responsibilities as those belonging to the station of Judge Randall; they were common to every district judge in the United States, or they were not legal; as there are duties in the circuit courts of an appellate character, which, if not forbidden by the law to be exercised by the district judges, could be performed by them only under circumstances of the greatest delicacy. These are cases contemplated by the act of June, 1844, to be specially reserved to the justices of the supreme court on circuit court duty.

From all which, it is manifest that the representatives of Judge Randall have no more claim to further compensation than the representatives of other deceased judges, nor than the judges now living who have performed similar duties under like circumstances, and who have done no more than a faithful performance of their highly important duties under the constitution and other laws of the United States. The committee are, therefore, constrained to recommend the adoption of the following resolution.

Resolved, That the prayer of the memorialist be not granted.